

2. This Measure may be cited as the Ecclesiastical Commissioners (Provision for Unbeneficed Clergy) Measure, 1928 (Amendment) Measure, 1931, and the principal Measure and this Measure may be cited together as the Ecclesiastical Commissioners (Provision for Unbeneficed Clergy) Measures, 1928 and 1931. Short title.

No. 7.

A MEASURE passed by the National Assembly of the Church of England.

To establish and to define the functions, powers, and duties of the Cathedral Commissioners for England, to make provision with respect to the constitutions, the property and revenues, the statutes of cathedral churches and the patronage of the canonries therein, and in certain cases with respect to the election of bishops by the chapters thereof, to enable the Ecclesiastical Commissioners to make grants for the benefit of cathedral churches, and for purposes connected therewith. [8th July 1931.]

CATHEDRAL COMMISSIONERS.

1. For the purposes of this Measure there shall be established a body of Commissioners (in this Measure referred to as "the Commissioners") constituted in manner laid down by the First Schedule to this Measure. Establishment of Commissioners.

2.—(1) The principal function of the Commissioners shall be to provide by means of schemes under this Measure for— Principal function of Commissioners.

- (i) the establishment of constitutions and the making of statutes for the cathedral churches to which this Measure applies;
- (ii) the revision of the constitutions and statutes of such churches;
- (iii) the administration and application of the property and revenues of such churches, including

any trust funds applicable to any special purpose in connection with such churches and any revenues derived from voluntary payments or fees; and

- (iv) the administration and application of the property and revenues annexed or belonging to any dignity or office or any corporation aggregate or sole in such churches.

(2) The Commissioners shall in performing their principal function—

- (i) be responsible to the Church Assembly, have regard to any resolution passed by the Church Assembly relating to the manner in which this Measure is to be carried into effect, and make to the Church Assembly an annual report on their work;
- (ii) confer with the respective consenting bodies of the cathedral churches to which this Measure applies, and, in any case where any transfer of any funds or property either to or by the Ecclesiastical Commissioners is involved, with the Ecclesiastical Commissioners;
- (iii) consider and, so far as is compatible with carrying into effect the general purposes of this Measure, have regard to the history and customs of each of the cathedral churches to which this Measure applies; and
- (iv) take into consideration the report, dated the twelfth day of October, nineteen hundred and twenty-seven, of the Cathedrals Commission appointed in pursuance of a resolution of the Church Assembly and the several recommendations of the said report:

Provided that nothing contained in the said report shall be deemed to be imperative.

Consenting
bodies.

3.—(1) For the purposes of this Measure the expression “consenting body” means—

- (i) in the case of each of the cathedral churches mentioned in the Second Schedule to this Measure a body comprising—

(a) the bishop of the diocese to which such cathedral church belongs, who shall be the chairman;

(b) the dean (if any);

(c) the incumbent (if any);

(d) the canons, whether residentiary or not, including clerks in Holy Orders who under the authority of the bishop are designated canons; and,

(e) if such cathedral church is a parish church, such two members of the parochial church council of the parish concerned as such council shall appoint as its representatives, and so that the appointing council shall have power to replace any representative so appointed who shall die or resign, or cease to be a member of the appointing council, or whom the appointing council shall desire to remove, by another of its members;

(ii) in the case of the cathedral church of Truro, the general chapter as defined by the Truro Bishopric and Chapter Acts Amendment Act, 1887; and

50 & 51
Vict. c. 12.

(iii) in the case of the other cathedral churches to which this Measure applies, the dean and chapter as at present constituted.

(2) Every consenting body shall have power to give any consent and to enter into any agreement with the Ecclesiastical Commissioners in any case where such consent or agreement is required to enable this Measure to be carried into effect, and for these purposes may hold meetings, regulate its own proceedings, and take such other steps as circumstances may require, but so that—

(i) in any case where a consenting body is divided in opinion, the decision of the majority shall prevail;

(ii) in the case of an equality of votes, the bishop or a dean, acting as chairman of a consenting body, shall be entitled to a second or casting vote; and,

(iii) if any question shall arise as to the composition and procedure of a consenting body under and for the purposes of this Measure, the Commissioners shall have power to determine such question.

Powers and
duties of
Commissioners.

4.—(1) The powers and duties of the Commissioners (which shall be exercised and performed in such manner as shall contribute to the proper discharge of the principal function of the Commissioners as defined by this Measure) shall be—

- (i) to require from the cathedral chapter of, or from any person holding any dignity or office in, any of the cathedral churches to which this Measure applies, or from any corporation aggregate or sole in such churches—
 - (a) the production of any statutes, documents or accounts relating either to such churches the dignities and offices and the corporations sole or aggregate therein, or to any property and revenues for the administration and application of which provision may be made by means of schemes under this Measure; and,
 - (b) any information relating to the same matters which the Commissioners may require;
- (ii) to frame schemes under this Measure and to take such steps as may be necessary to secure that such schemes shall, with or without modification, have effect as law in accordance with the provisions of this Measure in that behalf;
- (iii) to rescind, revoke, amend, or vary the whole or any part of any scheme having effect under this Measure by a further scheme;
- (iv) to promote in the Church Assembly such Measures as may be required in addition to or in lieu of schemes under this Measure;
- (v) subject to the consent of the Ecclesiastical Commissioners as to the number of the persons appointed, and the respective amounts or rates of their remuneration, to appoint and remove a secretary and such other officers as may be necessary, to prescribe their duties, and to fix their remuneration;
- (vi) to receive and examine the audited accounts of the cathedral churches to which this Measure applies, and to confer thereon, and also as to any

- increased financial provision that may be required for such churches, with the Ecclesiastical Commissioners;
- (vii) to make rules regulating the conduct of their business; and
- (viii)•to exercise the other powers and to discharge the other duties conferred and imposed on the Commissioners by this Measure, and by schemes under this Measure.

(2) The powers of the Commissioners under this Measure may be exercised from time to time as occasion shall require.

(3) The powers of the Commissioners shall continue in force until such date not being earlier than the expiration of seven years from the passing of this Measure, or later than the expiration of twelve years from the passing of this Measure as the Church Assembly may by resolution determine, and in the absence of such determination shall cease on the expiration of twelve years from the passing of this Measure.

SCHEMES.

5. The following provisions as to schemes framed under this Measure shall have effect (that is to say):— Draft schemes

- (i) before a draft scheme is framed for any cathedral church, the Commissioners and the consenting body of such church shall consult together about the matters to be dealt with by the scheme, and may mutually interchange suggestions relating to such matters, including suggested draft schemes, and after such consultation and due consideration by the Commissioners of all such suggestions, the Commissioners shall proceed to frame the draft scheme;
- (ii) the Commissioners shall submit every draft scheme framed by them to every person or body whose consent to the scheme is required by this Measure, and shall take such steps as they may think expedient for communicating the contents thereof to such persons and bodies as are affected by the scheme and to the Church Assembly;
- (iii) the Commissioners may introduce into a draft scheme such amendments as they may think

expedient, either in view of any representations made to them by any person or body whose consent to the scheme is required by this Measure or who is affected thereby, or on any other ground, and references in the subsequent paragraphs of this section to a draft scheme shall include a draft scheme as amended pursuant to this paragraph;

- (iv) the Commissioners shall take such steps as they may think expedient for communicating any amendments introduced into a draft scheme under the last preceding paragraph to such persons and bodies as are affected by the scheme and to the Church Assembly;
- (v) in any case where the consent of every person and body whose consent is required by this Measure has been given to a draft scheme, the Commissioners may approve such draft scheme;
- (vi) every approved draft scheme shall be available for inspection by any person at some convenient place in the diocese concerned selected by the Commissioners during such period, within such hours and upon payment of such fee as the Commissioners shall determine;
- (vii) the Commissioners shall publish an advertisement of every approved draft scheme setting out its objects and also all necessary particulars with regard to the inspection thereof in at least one newspaper circulating in the district in which the cathedral church affected by the scheme is situate;
- (viii) in any case where—
 - (a) a period of at least one month has elapsed after the publication of the advertisement of an approved draft scheme, and
 - (b) the Church Assembly has held at least one session commencing after the expiration of such period of one month without any resolution having been passed requesting the Commissioners not to seal such approved draft scheme,
 the Commissioners may seal the same with their common seal.

6.—(1) The following provisions as to schemes sealed by the Commissioners under this Measure shall have effect (that is to say):—

Procedure
for giving
effect to
schemes.

- (i) the Commissioners shall, within one month after sealing any scheme, submit such scheme to His Majesty in Council, and notice of its having been so submitted shall be published in the London Gazette and communicated to such persons and bodies as are, in the opinion of the Commissioners, affected by the scheme;
- (ii) during a period of three months after the publication of the said notice in the London Gazette (or such extended period as the Privy Council may on application determine) a person or body whose interests appear to the Privy Council to be affected by any scheme may appeal to His Majesty in Council against the scheme or any part thereof;
- (iii) if any appeal is so made, His Majesty in Council may order and direct that the appeal shall be heard by a Committee of the Privy Council, and such Committee shall make a report to His Majesty in Council thereon and may propose to His Majesty in Council either—
 - (a) to allow the appeal, in which case no further proceedings shall be taken in relation to the scheme, but without prejudice to the framing of a new scheme; or
 - (b) to refer the scheme back to the Commissioners for further consideration, in which case the scheme may, after the Commissioners have, with the consent of every person or body whose consent to the scheme is required by this Measure, introduced into it such amendments as they may consider expedient, be re-sealed by them, and the provisions of this section relating to schemes sealed by the Commissioners shall thereupon become applicable to such amended scheme; or
 - (c) to dismiss the appeal;
- (iv) after the expiration of the period during which an appeal may be brought against a scheme,

such scheme shall, provided that any appeal brought against the same has been dismissed, be laid before each House of Parliament for a period of twenty days during which the House is sitting, and if either of those Houses before the expiration of those twenty days presents an Address to His Majesty against the scheme, no further proceedings shall be taken in relation thereto, but without prejudice to the framing of a new scheme; but if no such Address against a scheme shall be presented, His Majesty may confirm such scheme by Order in Council;

(v) notice of every scheme confirmed by Order in Council shall be published in the London Gazette, and thereupon such scheme shall be effectual in law as if contained in this Measure.

(2) The Privy Council may from time to time make rules of procedure and practice for regulating proceedings upon appeals against schemes under this Measure.

(3) After the cesser of the powers of the Commissioners, the provisions of this section shall continue to apply to any scheme sealed by the Commissioners before such cesser, with the substitution for the Commissioners of such persons as the Standing Committee of the Church Assembly may appoint.

Costs of
appeals
against
schemes.

7. The Ecclesiastical Commissioners shall have power at their discretion to pay out of moneys forming part of their common fund or derived from properties and investments the income of which is paid into their common fund the whole or such part as they may think fit of the costs and expenses incurred by any person in respect of an appeal by him to His Majesty in Council against a scheme under this Measure.

Consents
required to
schemes.

8. The Commissioners shall not approve or seal any scheme framed under this Measure (other than a scheme for the transfer to the Ecclesiastical Commissioners of any endowment consisting of land or relating to any corporation aggregate of minor canons or of other holders of similar offices) without the consent of the consenting body of the cathedral church to which the scheme relates and of the bishop of the diocese to which such cathedral church belongs.

9. The Commissioners shall, subject to the provisions of this Measure, frame and submit to His Majesty in Council in manner laid down by this Measure under this Measure containing statutes for every cathedral church to which this Measure applies, which shall—

Schemes concerning the relations of bishops to their cathedral churches

- (i) provide that the bishop of the diocese to which a cathedral church belongs shall be the visitor thereof;
- (ii) define the powers and duties of the bishop as visitor; and
- (iii) prescribe the occasions and conditions upon and subject to which the bishop is to have the right personally to celebrate the Holy Communion and to preach in the cathedral church, and to use the cathedral church for ordinations, confirmations, and other services.

10.—(1) The Commissioners shall also, subject to the provisions of this Measure, frame and submit to His Majesty in Council in manner laid down by this Measure schemes under this Measure containing such further statutes for every cathedral church to which this Measure applies, and such other provisions as may be required to enable this Measure to be carried into effect.

Schemes relating to the chapters of cathedral churches.

(2) Such statutes or the other provisions contained in such schemes shall in the case of every cathedral church for which schemes are framed under this section—

- (i) prescribe that the cathedral chapter shall act for certain purposes as a general cathedral chapter consisting of the dean and all the canons and prebendaries, whether residentiary or not, and for other purposes as an administrative chapter consisting of the dean and chapter as at present constituted (or, in any case where there is no dean and chapter at the passing of this Measure, of the dean and such of the canons and prebendaries as may be laid down by such statutes or other provisions), and define—
 - (a) the powers, privileges, rights and duties of the dean;
 - (b) the powers and duties of the general cathedral chapter and the administrative chapter respectively, making provision also for the future exercise and performance of the

powers and duties which by this Measure are conferred and imposed on the consenting body;

- (ii) prescribe that the purposes for which the cathedral chapter shall act as an administrative chapter shall include the regulation and superintendence of the services, fabric, fittings, ornaments, furniture and monuments in the cathedral church, but so that anything prescribed pursuant to this paragraph shall have and shall provide that the cathedral chapter shall have due regard to the statutes defining and to the traditions of such church relating to the position of the bishop, the dean, the canons, and the prebendaries respectively;
- (iii) regulate and define the functions and duties of the canons residentiary, and where expedient provide for the canons residentiary holding special offices in the cathedral church, such as the offices of precentor, chancellor, and treasurer;
- (iv) regulate the administration and application of all property and revenues of or held in connection with the cathedral church for the administration and application of which provision may be made by means of schemes under this Measure;
- (v) fix the maximum share of the capitular revenues to be allocated as the incomes of the dean and of the canons residentiary, regard being had to the maintenance of the services and the fabric of the cathedral church, to the obligations of the dean and canons residentiary in respect of residence, and to the duties attached to their several dignities or offices;
- (vi) make such provision as may be practicable (in aid of any pensions for the time being provided under any statute or Measure or otherwise) for securing that the aggregate of the pensions or superannuation allowances, payable to the dean and canons residentiary respectively, shall be such as the cathedral chapter, acting as an administrative chapter, may determine to be adequate, and prescribe that, after the cathedral chapter so acting has so determined, the dean and canons residentiary shall respectively vacate office on attaining the age of seventy-five years,

subject (but only if the consenting body shall require such provisions to be inserted in the scheme) to provisions for continuance in office in cases in which the visitor after consultation with the cathedral chapter so desires;

- (vii) make such provision as may be practicable for providing pensions or superannuation allowances (where the case so admits in aid of any pensions for the time being provided under any statute or Measure or otherwise) for—
- (a) clerks in Holy Orders, other than the dean and the canons residentiary, serving for remuneration in the cathedral church, and
 - (b) laymen similarly serving;
- (viii) create or provide for the creation in any case in which it is expedient of residentiary canonries the holders of which shall continue in office for a specified term of years only, either with or without eligibility for reappointment;
- (ix) provide in any case in which it is expedient for assigning a portion of the capitular revenues or property for the promotion of the study of theology or other branches of sacred learning or sacred music or ecclesiastical art, or for the maintenance and benefit of persons of known ability and learning engaged upon study or research in theology or other branches of sacred learning, or sacred music or ecclesiastical art;
- (x) regulate the total number of the non-residentiary canons and prebendaries upon the footing that such total number shall in ordinary cases not be less than twelve or more than thirty, but so that for special reasons connected with the history and traditions of any cathedral church there may be a greater number of non-residentiary canons and prebendaries in such church;
- (xi) prescribe that non-residentiary canons and prebendaries shall vacate office upon leaving the diocese unless requested in writing to continue in office by the bishop of the diocese, but so that non-residentiary canons who have been appointed in connection with some office held or function performed by them shall so long as they hold such office or perform such function continue as non-residentiary canons;

- (xii) empower the bishop of the diocese to confer the designation of dean emeritus, canon emeritus or prebendary emeritus upon any dean, canon or prebendary who has vacated office;
- (xiii) prescribe that any presentations or nominations to benefices in the patronage of the cathedral chapter shall be exercised by the cathedral chapter in its corporate capacity, acting either as an administrative chapter or as a general cathedral chapter as shall be prescribed, and that any charter, cathedral statute, usage or custom to the contrary shall cease to have effect;
- (xiv) prescribe that the appointment of all clerks in Holy Orders and laymen serving in the cathedral church concerned shall rest with the administrative chapter or a committee thereof, and that the terms of service, duties and remuneration of such clerks and laymen shall be such as shall be fixed by the administrative chapter or a committee thereof, but subject to such conditions and regulations as shall be prescribed;
- (xv) contain suitable directions in respect of the cathedral music and the education of the choristers, and as to the duties of the organist;
- (xvi) contain such further and other directions as shall be proper so as to enable this Measure so far as it affects such cathedral church to be fully carried into effect;

and may also where it shall be necessary in order to give effect to any scheme (including a scheme affecting more than one cathedral church) provide for—

- (a) a transfer of any endowment or of any dignities or offices from one cathedral church to another which has been agreed upon by the respective consenting bodies of such cathedral churches; or
- (b) the establishment of a cathedral chapter or the creation, suppression or suspension of dignities or offices in a cathedral church.

Schemes relating to parish church and certain other cathedrals.

11.—(1) In any case where the Commissioners by reason of the fact that a cathedral church is a parish church or for any other reason which they consider sufficient determine that a scheme cannot for the time being be framed for such cathedral church in accordance with the provisions of the last preceding section of this

Measure, the Commissioners shall, subject to the provisions of this Measure, frame and submit to His Majesty in Council in manner laid down by this Measure a scheme under this Measure for such cathedral church containing such statutes and other provisions as the Commissioners in the particular circumstances of the case consider appropriate.

(2) A scheme framed under the provisions of this section for a cathedral church which is a parish church shall provide that the incumbent shall be styled the provost :

Provided that this subsection shall not apply to the cathedral church of St. Albans or, so long as in any cathedral church the bishop acts as dean under the authority of any statute or Measure, to such cathedral church.

(3) A scheme framed under the provisions of this section may—

- (i) establish a cathedral chapter of which the provost or dean, the canons of the cathedral church, and the archdeacons of the diocese shall in every case be members (the provost having such place or precedence therein as is accorded to a dean of a cathedral church), and of which the bishop may be a member but only for such purposes as may be defined by the scheme, and, subject to the provisions of this section, regulate the constitution and define the powers and duties of such cathedral chapter both in relation to the cathedral church and to the whole diocese ;
- (ii) empower the bishop to confer the title of provost emeritus on a provost who has vacated his office ;
- (iii) establish a cathedral council of which the bishop shall be chairman and the provost or dean the vice-chairman, and the other members of which shall be representatives of (a) the cathedral chapter, (b) the parochial church council of the cathedral church, and (c) the laity of the diocese, and define the powers and duties of such cathedral council, and the method of election or appointment of its members.

(4) A scheme framed under the provisions of this section shall provide that appointments of assistant

clergy, organist, choir, vergers, and other lay officers, in the cathedral church to which the scheme relates shall be made in the same manner as before the framing of the scheme.

(5) So soon as a cathedral council shall be constituted for any cathedral church under this section, the powers and duties of the consenting body for the purposes of this Measure of such cathedral church shall be transferred to and vest in such cathedral council.

Schemes relating to the transfer of endowments in land to the Ecclesiastical Commissioners.

12.—(1) The Commissioners shall, as soon as is practicable after the passing of this Measure, frame and submit to His Majesty in Council in manner laid down by this Measure schemes under this Measure providing for the compulsory transfer to and vesting in the Ecclesiastical Commissioners of the endowments to which this section applies for such consideration, whether consisting of a money payment or annuities or other property not being land, as may be laid down by such schemes, and for all matters incidental to such compulsory transfer.

(2) The amount of the consideration for any such compulsory transfer shall be determined by agreement between the Ecclesiastical Commissioners and the dean and chapter of the cathedral church concerned, or failing such agreement by the arbitration of two persons nominated by the Ecclesiastical Commissioners and the dean and chapter respectively or by the umpire of such persons.

(3) This section shall apply to all land forming part of the endowment of any cathedral church (other than the cathedral church of Manchester) to which this Measure applies, or applicable for any special purpose in connection with any such church or forming part of the property of any deanery, canonry, prebend, archdeaconry or office in any such church except—

- (i) the site and fabric of any such church and any other consecrated land or buildings ;
- (ii) any residence house ;
- (iii) any lands or buildings in or adjacent to the precincts or used for or in connection with the provision of stone or other building materials useful for the upkeep of the cathedral church or other buildings within the precincts which the consenting body of such church may

require to be excluded from any scheme framed under this section ;

- (iv) rights of patronage ;
- (v) tithe rentcharge and other rentcharges, rents, tithes and payments in lieu of tithe vested in Queen Anne's Bounty under the Tithe Act, 1925.

15 & 16
Geo. 5. c. 87.

(4) Notwithstanding the foregoing provisions of this section, the Commissioners, in any case where they are satisfied, by reason of exceptional circumstances connected with the history and traditions of a cathedral church, or on the ground that a more economical management will be secured, that any land subject to compulsory transfer under this section ought to be exempted from such compulsory transfer, shall have power at their discretion, on the application of the dean and chapter concerned, to exempt such land accordingly.

13. The Commissioners shall frame and submit to His Majesty in Council in manner laid down by this Measure schemes under this Measure providing for—

Schemes relating to minor corporations.

- (i) the compulsory transfer of all the property both real and personal (including rights of patronage) of any vicars choral, priest vicars, senior vicars, custos and vicars warden, vicars or minor canons or other subordinate officers performing duties in any cathedral church to which this Measure applies and constituting a corporation aggregate in such church, such transfer being, in the case of chattels, rights of patronage, and any other interest which, if vested in a cathedral chapter, would not be subject to compulsory transfer under the last preceding section of this Measure, to the cathedral chapter, and in the case of all other real and personal property, to the Ecclesiastical Commissioners in consideration of such an addition to the corporate properties or revenues of such church, whether consisting of a money payment or annuities or other property, not being land, as may be laid down by such schemes; the amount of such consideration being determined by agreement between the Ecclesiastical Commissioners and the dean and chapter of the cathedral church concerned, or, failing such agreement, by the arbitration of two persons

nominated by the Ecclesiastical Commissioners and the dean and chapter respectively or by the umpire of such persons;

- (ii) the cesser and extinction of any annual or other periodical payment payable to any such corporation aggregate by the Ecclesiastical Commissioners;
- (iii) the reconstitution of such corporation aggregate upon such footing and with such statutes as after consultation in each case with the consenting body of the cathedral church concerned may be laid down by such schemes, or alternatively the dissolution of such corporation aggregate;
- (iv) the vesting of the real and personal property transferred in the cathedral chapter of such cathedral church or in the Ecclesiastical Commissioners as the case may require;
- (v) the terms of service, duties and remuneration of the vicars choral, priest vicars, senior vicars, custos and vicars warden, vicars or minor canons or other subordinate officers concerned;
- (vi) the future performance of the duties formerly performed in such cathedral church by such corporation aggregate or the members thereof; and
- (vii) all matters incidental to the other matters provided for by such schemes.

Schemes relating to the patronage of residentiary canonries.

14. The Commissioners may, subject to the provisions of this Measure, frame and submit to His Majesty in Council in manner laid down by this Measure a scheme or schemes under this Measure providing for a redistribution of the patronage of residentiary canonries in the cathedral churches to which this Measure applies vested either in His Majesty or in diocesan bishops with the object of providing that as far as may be practicable there shall be vested in the bishop of every diocese the right of patronage of at least one residentiary canonry in the cathedral church of his diocese.

Saving for Crown rights.

15. No scheme under this Measure affecting any right of patronage or other right or interest of His Majesty shall be submitted to His Majesty in Council except with the consent of His Majesty.

^o16. In any case where a scheme under this Measure provides for the transfer of any real or personal property (including rights of patronage), such scheme may also provide for the transfer and vesting without any conveyance or assurance other than the scheme of the property requiring to be transferred.

Assurance
of property
by schemes.

17.—(1) After the cesser of the powers of the Commissioners the powers in relation to schemes under this Measure conferred on the Commissioners by this Measure may, subject to the provisions of this Measure, be exercised by commissions (in this section referred to as “appointed commissions”) appointed from time to time by the standing committee of the Church Assembly in pursuance of a resolution of the Assembly.

Schemes
made after
the cesser
of the
powers of
the Com-
missioners.

(2) An appointed commission shall consist of not more than seven nor of less than three members.

(3) An appointed commission shall not exercise its powers in respect of any cathedral church to which the Measure applies except on the application of the consenting body of such cathedral church.

(4) Subject to the provisions of this section all the provisions of this Measure relating to schemes under this Measure shall, so far as applicable, apply to schemes framed by an appointed commission with the substitution of such appointed commission for the Commissioners.

(5) A scheme may be framed by an appointed commission for a cathedral church to which this Measure applies although no scheme was ever framed for such church by the Commissioners, or although such church was constituted a cathedral church after the cesser of the powers of the Commissioners.

(6) A scheme relating to a cathedral church to which this Measure applies framed by an appointed commission may amend any scheme relating to such church framed by the Commissioners.

(7) The powers of an appointed commission shall cease upon such commission reporting to the Standing Committee of the Church Assembly that such powers have been fully or sufficiently exercised in relation to every cathedral church in respect of which the appointed commission was authorised to exercise powers.

GENERAL.

Existing powers of making cathedral statutes.

18. No power existing before the passing of this Measure of making statutes for any cathedral church to which this Measure applies (except a power exercisable by His Majesty) shall be exercised after the passing of this Measure and before the cesser of the powers of the Commissioners without the consent of the Commissioners, nor after the cesser of the said powers shall any such power be exercised except subject to any scheme having effect under this Measure.

Proof of rules, resolutions, &c.

19. Evidence of any rules regulating the conduct of their business made by the Commissioners under this Measure, of any resolution passed by the Commissioners, and of any instrument framed by the Commissioners for the purpose of carrying this Measure into effect, may be given by producing a copy of such rules, resolution, or instrument sealed with the common seal of the Commissioners.

Grants by Ecclesiastical Commissioners.

20.—(1) Subject to the provisions of this section, the Ecclesiastical Commissioners shall have power to make out of moneys forming part of their common fund or derived from properties and investments the income of which is paid into their common fund such grants for the benefit of any cathedral church to which this Measure applies as they may after due consideration of the other claims on their resources deem expedient.

(2) This section shall not come into operation until a resolution to that effect shall be passed by the Church Assembly, and the power conferred by this section shall be exercised subject to and in accordance with any resolution of the Church Assembly as to the total amount of any grants and the period within which any grants may be made.

Expenses.

21.—(1) The salaries of the secretary and other officers of the Commissioners duly appointed under the provisions of this Measure, and all expenses incurred by the Commissioners with the sanction of the Ecclesiastical Commissioners for the purpose of carrying the provisions of this Measure and of schemes under this Measure into effect, shall be paid by the Ecclesiastical Commissioners out of their common fund.

(2) The Ecclesiastical Commissioners shall have power to pay out of their common fund to any

Commissioner such remuneration and such allowances as they may think fit, and in any case where the Ecclesiastical Commissioners exercise the power conferred on them by this subsection they may pay the remuneration or allowances either periodically over periods to be determined by them or otherwise as they may think fit.

22.—(1) Any body or person in receipt of or having the administration either of the property and revenues of any cathedral church to which this Measure applies (including any trust funds applicable to any special purpose in connection with such church and any revenues derived from voluntary payments and fees), or of the property and revenues annexed or belonging to any dignity or office or any corporation aggregate or sole in any such church shall annually at such time as the Ecclesiastical Commissioners shall require transmit to them duly audited accounts in such form as they shall require of such property and revenues. Accounts.

(2) Every cathedral chapter shall annually publish duly audited accounts in such standard form as the Ecclesiastical Commissioners shall prescribe.

23.—(1) The provisions of any Act of Parliament or Measure under which a vacancy in a bishopric would until the foundation of a dean and chapter for that bishopric be filled either by an appointment by letters patent or by an election by a provisional chapter shall in respect of such bishopric cease to have effect after a scheme under this Measure has established or otherwise made provision for the constitution of a cathedral chapter in the cathedral church of such bishopric. Election of bishops.

(2) His Majesty may upon an avoidance of such bishopric grant to such cathedral chapter a licence under the Great Seal to proceed to the election of a bishop with a letter missive as provided by the statute of the twenty-fifth year of the reign of King Henry the Eighth, and such cathedral chapter shall possess the right of proceeding to an election in manner laid down by the said statute.

24. Subject to the provisions of this Measure no office (other than that of a dean or provost, canon, or prebendary, and any other office the holder whereof has a place within the chapter) conferring a freehold Abolition of subordinate freehold offices.

or fixity of tenure on the holder thereof shall be capable of existing in any cathedral church to which this Measure applies or in any corporation aggregate in any such church.

Saving of existing interests.

25. No provision of this Measure or of any scheme having effect as if contained in this Measure shall affect the tenure of office, position, rights, or emolument of any person who, at the passing of this Measure, holds a freehold or other office conferring fixity of tenure in any cathedral church to which this Measure applies unless he shall by an instrument in writing under his hand delivered to the Commissioners consent to be bound by such provision.

Charitable trusts.

26. The provisions of this Measure shall not apply to any charity or endowment which is subject to the jurisdiction of the Charity Commissioners or the Board of Education under the Charitable Trusts Acts, 1853 to 1925, or the Endowed Schools Acts, 1869 to 1889, except to the extent to which the Charity Commissioners shall determine that the provisions of this Measure shall apply to such charity or endowment.

Arbitrations.

27. Where a scheme under this Measure provides that any matter shall failing agreement be determined by arbitration, such arbitration shall proceed in accordance with such rules including rules as to the manner of ascertaining the value of any property as shall be laid down by such scheme and subject to such rules in accordance with the provisions of the Arbitration Act, 1889, but the provisions of any other Act of Parliament relating to the compulsory acquisition of land shall not apply to such arbitration :

52 & 53
Vict. c. 49.

Provided that no rules as to the manner of ascertaining the value of any property shall be inserted in any scheme except with the consent of the Ecclesiastical Commissioners.

Interpretation.

28. In this Measure—

the expression “ canon ” includes an honorary canon but not a minor canon nor any person not in Holy Orders ;

the expression “ land ” has the same meaning as in the Law of Property Act, 1925.

15 & 16
Geo. 5. c 20.

29. This Measure shall apply to every cathedral church in England whether existing at, or constituted after, the passing of this Measure except the cathedral church of Christ in Oxford. Extent.

30. This Measure may be cited as the Cathedrals Measure, 1931. Short title.

31. The enactments set out in the Third Schedule to this Measure are repealed to the extent mentioned in the third column of that schedule. Repeal.

SCHEDULES.

THE FIRST SCHEDULE.

Section 1.

1. The Commissioners shall be styled the “Cathedral Commissioners for England.”

2. The Commissioners shall have a common seal, which shall be judicially noticed.

3. The original Commissioners shall be—

The Right Honourable Frederic John Napier, Viscount Chelmsford, P.C., G.C.S.I., G.C.M.G., G.C.I.E., G.B.E., who shall be the first chairman of the Commissioners;

The Right Reverend Edmund Courtenay Pearce, Doctor of Divinity, Lord Bishop of Derby;

The Very Reverend Reginald Waterfield, Doctor of Divinity, Dean of Hereford;

The Reverend Albert Gossage Robinson, Master of Arts, Canon of Winchester;

Sir Walter Robert Buchanan-Riddell, Baronet, Master of Arts;

Colonel Francis Hugo Lindley Meynell, D.S.O.;

and one other Commissioner who shall be appointed by the Ecclesiastical Commissioners.

4. The Church Assembly shall have power to increase the number of Commissioners by an appointment made in the same manner as on a vacancy, and power also upon a vacancy occurring

to suspend a commissionership. Such respective powers shall be exercisable from time to time but so that the number of the acting Commissioners including the chairman shall never be less than seven or more than ten.

5. Every Commissioner shall hold office so long as the powers of the Commissioners continue if he shall so long live, unless he shall previously resign or be removed from office for good cause by the standing committee of the Church Assembly, or in the case of the Commissioner appointed by the Ecclesiastical Commissioners by the Ecclesiastical Commissioners.

6. Every vacancy in the body of the Commissioners occurring before the cesser of their powers shall be filled by an appointment made by the Church Assembly on the nomination of the chairman presiding over the meeting at which the appointment is made, except that in any case where the Commissioner appointed by the Ecclesiastical Commissioners has died or vacated office the vacancy shall be filled by an appointment made by the Ecclesiastical Commissioners.

7. Any vacancy in the office of the chairman of the Commissioners shall be filled by an appointment made by the Church Assembly on the nomination of the chairman presiding over the meeting at which the appointment is made.

8.—(1) The powers of the Commissioners may be exercised at a meeting at which a quorum is present.

(2) The quorum required for the affixing of the common seal of the Commissioners shall be five.

(3) The quorum required for the transaction of any business by the Commissioners which does not involve the affixing of the common seal shall be such as the Commissioners shall determine.

(4) If the Commissioners are at any meeting divided in opinion, the decision of the majority shall prevail.

(5) Meetings of the Commissioners may be convened either by the chairman or in any other manner laid down by rules made by the Commissioners.

(6) Subject to the provisions of this paragraph an act of the Commissioners shall not be invalid by reason only of any vacancy in their body.

THE SECOND SCHEDULE.

Section 3.

The cathedral churches of—

Birmingham;
 Blackburn;
 Bradford;
 Chelmsford;
 Coventry;
 Derby;
 Guildford;
 Leicester;
 Liverpool;
 Newcastle;
 Portsmouth;
 St. Albans;
 St. Edmundsbury;
 Sheffield;
 Southwark;
 Southwell;
 Wakefield;

and the cathedral churches of all bishoprics founded after the passing of this Measure.

THE THIRD SCHEDULE.

Section 31.

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Vict. c. 113	The Ecclesiastical Commissioners Act, 1840.	Sections 44 and 47.
27 & 28 Vict. c. 70	The Cathedrals Act, 1864 -	The whole Act.
29 & 30 Vict. c. 111	The Ecclesiastical Commissioners Act, 1866.	Section 18.
36 & 37 Vict. c. 39	The Cathedrals Acts Amendment Act, 1873.	The whole Act.